

REMARKS / DISCUSSION OF ISSUES

In the final Office Action dated December 8, 2010, claims 1-12, 14, and 15 are pending. Claims 1, 10, and 12 are independent. Claim 13 was previously cancelled.

35 U.S.C § 103

Claims 1, 10, 12, and 15 stand rejected under 35 U.S.C. 103(a) as allegedly unpatentable over US Publication Number 2003/0128658 to Walton et al. ("Walton"), in view of US Patent Number 3,987,444 to Masak et al. ("Masak"). Claims 2-9 and 11 stand rejected under 35 U.S.C. 103(a) over Walton and Masak in view of US Patent Number 6,917,820 to Gore et al. ("Gore"). Claim 14 stands rejected under 35 U.S.C. 103(a) over Walton and Masak in view of US Patent Number 4,736,455 to Matsue et al. ("Matsue").

Applicants respectfully traverse these rejections.

Claims 1, 10, and 12 are independent claims.

Applicants' claim 1 recites, in relevant part:

the secondary station configuring its receiver resources for processing the received data and interference by choosing, based on a radio link environment between antenna pairs, selected ones of the plurality of its antennas for receiving interference signals for interference cancellation. Emphasis added.

The Office Action at the top of page 5 admits that Walton fails to mention choosing selected ones of the plurality of its antennas for receiving interference signals for interference cancellation.

In order to remedy the deficiencies in the teachings of Walton, the teachings of Masak were combined with Walton. In the Response to Arguments section, the Office Action alleges that the radio link environment of Applicants' claim 1 is read as the particular antenna beam 16a between antenna 12a and the antenna of the transmitter (Masak, column 4, lines 27-44 and figure 1).

Applicants respectively submit that the radio link environment of Applicants' claim 1 is distinct from Masak's particular antenna beam 16a between antenna 12a and the antenna of the transmitter.

MPEP 2111.01 IV recites:

An applicant is entitled to be his or her own lexicographer and may rebut the presumption that claim terms are to be given their ordinary and customary meaning by clearly setting forth a definition of the term that is different from its ordinary and customary meaning(s). See *In re Paulsen*, 30 F.3d 1475, 1480, 31 USPQ2d 1671, 1674 (Fed. Cir. 1994) (inventor may define specific terms used to describe invention, but must do so “with reasonable clarity, deliberateness, and precision” and, if done, must “set out his uncommon definition in some manner within the patent disclosure’ so as to give one of ordinary skill in the art notice of the change” in meaning) (quoting *Intellicall, Inc. v. Phonometrics, Inc.*, 952 F.2d 1384, 1387-88, 21 USPQ2d 1383, 1386 (Fed. Cir. 1992)).

Masak’s system for interference suppression is evidently based on the direction of the desired signal’s origin. For example, Masak at column 3, lines 38-48 recites: “Each of the antenna ports 18 is therefore *primarily responsive to signals received from a corresponding region of space*. . . . In FIG. 1 antenna beam 16d is shown, for example, to include a main beam *primarily responsive to signals originating in (the) angular region of space 20d*. . . .” Emphasis added.

In contrast to Masak, the radio link environment of Applicants’ claim 1 clearly relates to quantifiable aspects of the radio link between antenna pairs. For example, page 6, lines 5-6 of Applicants’ specification recites:

However the mapping may take into account the quality of the downlink path between each pair of the antennas. Emphasis added.

Other examples of Applicants’ radio link environment are described on page 6, line 27-page 7, line 5.

In selecting transmitted signals for reception and interferers for cancellation, the secondary station SS1 may use one or more criteria determined by the secondary station SS1, for example, (1) level of interference in channels between pairs of interfering transmitter and

receiver antennas, (2) the transfer functions of channels between pairs of transmitter and receiver antennas, (3) channel quality for selected transmission formats, (4) the secondary station selecting the antenna coefficients for virtual antennas in order to optimise some parameter or parameters (for example minimize interference, maximise expected throughput), and (5) the number (or effective number) of receive antennas at the secondary station being a dynamic quantity. Emphasis added.

The radio link environment of Applicants' claim 1 relates to items such as, for example, signal quality, level of interference, transfer functions, channel quality, antenna coefficients, and number of antennas. The context of Applicants' radio link environment is completely different from Masak's disclosure of a system which selects certain antennas on the basis of the direction of the desired signal's origin. Therefore, Applicants' radio link environment between antenna pairs cannot be read as Masak's particular antenna beam 16a between antenna 12a and the antenna of the transmitter.

Accordingly, the combination of Walton and Masak does not disclose or suggest the features of Applicants' claim 1.

Claims 10 and 12 are also independent claims. Each of claims 10 and 12 is different from claim 1 and must be interpreted based upon its own specific language. Applicants apply the above reasoning to each of claims 10 and 12 according their own interpretation and respectfully submit each claim is likewise patentable.

In light of the remarks above, Applicants respectfully submit that claims 1, 10, and 12 are allowable under 35 U.S.C. §103. Withdrawal of the rejections to claims 1, 10, and 12 is respectfully requested.

Dependent claims 2-9, 11, 14, and 15 ultimately depend upon and incorporate all the limitations of either one of allowable claims 1, 10, and 12. Furthermore, each dependent claim includes additional distinguishing limitations. For each dependent claim, Applicants repeat the above arguments from claims 1, 10, and 12 and apply them to the respective dependent claim. The additional cited references do not cure the deficiencies of the combination of Walton and Masak, as noted with respect to

the independent base claims. Thus, Applicants respectfully submit that dependent claims 2-9, 11, 14, and 15 are allowable at least by virtue of their dependency on an allowable parent claim.

Applicants respectfully submit that the rejections of claims 1-12, 14, and 15 under 35 U.S.C. §103(a) have been traversed and should be withdrawn.

Conclusion

In view of the foregoing, Applicants respectfully request that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

If there are any errors with respect to the fees for this response or any other papers related to this response, the Director is hereby given permission to charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account No. 14-1270.

Respectfully submitted,

By: /Brian S. Myers/
Brian S. Myers
Registration No.: 46,947
973-401-7157
For: Kevin C. Ecker
Registration No.: 43,600
914-333-9618

Please direct all correspondence to:
Kevin C. Ecker, Esq.
Philips Intellectual Property & Standards
P.O. Box 3001
Briarcliff Manor, NY 10510-800